

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**CHERI LABLANCHE,  
Plaintiff,**

**Vs.**

**NATIONAL BOARD OF MEDICAL  
EXAMINERS - (NBME), et al.  
Defendants.**

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**Civil Action 4:13-cv-00204**


**ORDER**

Pending before the Court is Defendants' Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). (**Instrument No. 31**). Plaintiff has filed an Amended Complaint (Instrument No. 18) asserting an "EQUITY CLAIM of REASONABLE ACCOMMODATION" and alleged in further briefing that her lawsuit "refer[s] to the SPIRIT OF THE LAW- (ADA) Accommodations." (Instrument No. 30, at 2). It is the Court's belief that the Plaintiff has failed to state a legally cognizable claim. Out of an abundance of caution, the Court will allow the Plaintiff opportunity to provide a more definite statement regarding the claim she is asserting. Plaintiff has 10 days to file a Second Amended Complaint.

Accordingly, IT IS HEREBY ORDERED THAT Defendants' Motion to Dismiss (**Instrument No. 31**) is **DENIED without prejudice** and may be re-filed after Plaintiff has filed a Second Amended Complaint.

The Clerk shall enter this Order and provide a copy to all parties.

SIGNED on this the 14<sup>th</sup> day of January, 2014, at Houston, Texas.

  
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**VANESSA D. GILMORE**  
**UNITED STATES DISTRICT JUDGE**